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CHARLES H. MONTANGE  
ATTORNEY AT LAW  
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AB 863 X

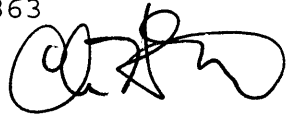
11 December 2003

Memo to Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

received  
12/12/03

Re: City of Venice -- Exempt Abandonment, AB 863

From: Charles H. Montange (for City of Venice)



This is to convey further information and responses in connection with the ER and HR in this proceeding.

1. I attach in Exhibit A a letter dated November 21, 2003, from Anne Haaker, Deputy State Historic Preservation Officer (SHPO) for Illinois to the undersigned finding no historic properties are affected with respect to the proposed exempt abandonment.

Also enclosed in Exhibit A is a letter dated November 18 from Mark A. Miles, Deputy SHPO for Missouri to the undersigned making a contrary finding. City of Venice was advised (as is evident in the letter) that Ms. Judith Deel had the file for Missouri SHPO. City of Venice's response to this letter was somewhat delayed due to a death in Ms. Deel's family. However, City of Venice provided further information by letter dated December 5 (Exhibit B). Counsel for City of Venice was advised this morning (December 11) that Missouri SHPO has determined that the proposed exempt abandonment will have no adverse effect on historic properties, and that a letter was mailed yesterday memorializing that determination. If SEA has not been copied on the letter, counsel will provide it as soon as it is received. In light of the revised determination by Missouri SHPO, we believe it clear that compliance with section 106 of NHPA is complete for this proceeding.

2. Counsel for City of Venice has been copied on some additional communications from USEPA and USDOC/NOAA/National Geodetic Survey, but the communications were directed to SEA. We therefore assume they are in SEA's file for this proceeding, and we will not tender duplicate copies herewith.

3. Finally, I wish to confirm that the City of Venice has consented to negotiate interim trail use and railbanking pursuant to a "statement of willingness" filed by Madison County Transit.

Encls. Ex. A (two letters), Ex. B (response)

Exhibit A



**Illinois Historic  
Preservation Agency**

1 Old State Capitol Plaza • Springfield, Illinois 62701-1507 • Teletypewriter Only (217) 524-7128

Voice (217) 782-4836

Madison County

Venice

Railroad Abandonment Exemption

Milepost 1.45 from state line

STB-Docket #AB 863

IHPA Log #014110303

November 21, 2003

Charles Montange

426 NW 162nd St.

Seattle, WA 98177

Dear Mr. Montange:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440). The Illinois Department of Transportation has already received approval from our office for the rehabilitation of the McKinley Bridge under IHPA Log #0201090031WMS.

If you have any further questions, please contact Cody Wright, Cultural Resources Manager, Illinois Historic Preservation Agency, 1 Old State Capitol Plaza, Springfield, IL 62701, 217/785-3977.

Sincerely,

Anne E. Haaker

Deputy State Historic

Preservation Officer

AEH

STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

Bob Holden, Governor • Stephen M. Mahfood, Director

[www.dnr.state.mo.us](http://www.dnr.state.mo.us)

November 18, 2003

Charles H. Montange  
Attorney at Law  
426 NW 162<sup>nd</sup> Street  
Seattle, Washington 98177

Re: Proposed Abandonment Docket No. AB 863, City of Venice (STB) City of St. Louis, Missouri

Dear Mr. Montange:

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.O. 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

We have reviewed the information provided concerning the above referenced project. We have determined that the McKinley Bridge is eligible for inclusion in the National Register of Historic Places. We have also determined that the proposed abandonment and subsequent renovation to highway use could have an **adverse effect** on the historic fabric of the McKinley Bridge.

Therefore, Surface Transportation Board should forward the necessary adequate documentation as described to the Executive Director, Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Avenue NW, #809, Washington, DC 20004. Pending receipt of the Council's decision on whether it will participate in consultation, no action shall be taken which would foreclose Council consideration of alternatives to avoid or satisfactorily mitigate any adverse effect on the property in question.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the **SHPO Log Number (012-SLC-04)** on all future correspondence or inquiries relating to this project.

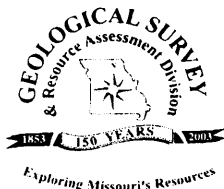
Sincerely,

STATE HISTORIC PRESERVATION OFFICE



Mark A. Miles  
Director and Deputy State  
Historic Preservation Officer

c Harold McNulty, STB  
Kate Shea, STL  
Jan Cameron, STL



*Integrity and excellence in everything we do*



Exhibit B

CHARLES H. MONTANGE  
ATTORNEY AT LAW  
426 NW 162ND STREET  
SEATTLE, WASHINGTON 98177  
(206) 546-1936  
FAX (206) 546-3739  
5 December 2003  
(express delivery)

Mark A. Miles,  
Director and Deputy State  
Historic Preservation Officer  
Judith Deel  
State Historic Preservation Office  
100 East High Street  
Jefferson City, MO 65101

Re: SHPO Log Number (012-SLC-04)  
STB dkt. AB 863, Notice of Exempt  
Abandonment, City of Venice

Dear Mr. Miles and Ms. Deel:

This letter, on behalf of City of Venice, is in referenced to your letter of November 18, attached, and follows up several calls I attempted to place during the week of December 1. In the referenced letter, Missouri SHPO determines that "the proposed abandonment and subsequent renovation for highway use" of a two mile line of railroad owned by City of Venice (IL), approximately one half mile of which lies within Missouri, "could have an adverse effect on the historic fabric of the McKinley Bridge." You then call on STB to submit the matter to the Executive Director of the Advisory Council on Historic Preservation.

Please understand that the last use of the bridge was for highway (not rail) purposes. The Bridge is in deteriorated condition and is currently closed to all traffic. City of Venice plans no alteration to the Bridge. City of Venice seeks only formally to terminate any railroad common carrier obligation it has for the Bridge and approximately two miles of rail line which it acquired in 1958.

City of Venice anticipates transfer of the bridge to Illinois Department of Transportation (IDOT) for renovation. Although IDOT in turn may designate local agencies for ownership, it is our understanding that IDOT will remain in charge of renovation. The IDOT bridge renovation is not a City of Venice project, but is a separate project by another agency (namely, IDOT).

IDOT (contact person: Bridgett Calhoun, Environmental Engineer, IDOT Region 8, 618-346-3156) has informed us that it met with Missouri officials in January 2001, concerning the

proposed bridge renovation. IDOT (per Ms. Calhoun) was informed that Illinois Historic Preservation Agency would be the lead agency for compliance with the National Historic Preservation Act in connection with the bridge renovation. See 36 C.F.R. § 800.3(c)(2).

IDOT informs us that it submitted bridge renovation plans to Illinois Historic Preservation Agency (the Illinois SHPO). IDOT informs us that its plans conform to the Secretary of Interior's "Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Buildings." The Illinois Historic Preservation Agency by letter dated May 2, 2002, concurred in IDOT's view, stating "[i]n our opinion, these plans meet The Secretary of Interior's 'Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Buildings.'" The Illinois Historic Preservation Agency issued, as indicated in the May 2, 2002, letter, a "No Adverse Effect" determination for the IDOT project.

On behalf of City of Venice, I previously supplied you with a copy of this May 2, 2002 letter. Another copy is attached for your files herewith.

IDOT (per Ms. Calhoun) confirms to us that Illinois Department of Historic Preservation reviewed the entire McKinley Bridge renovation project, including Missouri components. We understand that IDOT's project extends beyond the boundaries of City of Venice's proposed rail line abandonment in Missouri.

City of Venice notes that it is cooperating with Madison County Transit to "railbank" the entire alignment under 16 U.S.C. § 1247(d). This should facilitate the formation of a trail along the alignment in St. Louis, a result commonly regarded as favorable for historic preservation purposes in projects like that which the City is proposing.

Illinois Historic Preservation Agency has supplied City of Venice with a letter indicating that City of Venice's project (the mere abandonment of common carrier obligations on the Bridge) will have no effect on historic properties. Letter from Ms. Haaker to Mr. Montange, November 21, 2003, attached. We understand that to be a determination under 36 C.F.R. § 800.16(i) that Venice's "project" will not alter the characteristics of a historic property insofar as eligibility for the National Register is concerned, and insofar as IDOT undertakes a bridge renovation, there will be no alteration either in light of IDOT's conformity to applicable historic renovation standards. City of Venice believes in the circumstances that this is a correct determination.

On the basis of the above, City of Venice respectfully suggests that continued consultation by your agency is

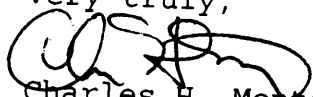
appropriate, or at least consultation over alleged adverse effects (see 36 C.F.R. § 800.6) is appropriate, rather than a referral to the Advisory Council as requested in your letter of November 18. A referral to the Advisory Council seems to us premature at this point, since STB has not yet made any finding and is in an information gathering mode.

On re-examination by your office, City of Venice requests that your office concur that the project will not have an effect on historic properties, or defer to the determination by the Illinois Historic Preservation Agency. Assuming arguendo that IDOT's separate bridge renovation project is associated with City of Venice's common carrier obligation abandonment project, then it is our understanding from IDOT Region 8 (per Ms. Calhoun) that Illinois Historic Preservation Agency is the lead agency. Illinois Historic Preservation Agency has examined the entire project and determined that the renovation conforms to the applicable standards and that therefore there is no adverse effect on historic properties.

Alternatively, if IDOT is incorrect in its understanding that Illinois Historic Preservation Agency is the lead agency for purposes of the bridge renovation, then please inform me immediately so IDOT can engage in whatever additional procedures are required to clear its renovation project with your office. The Secretary of Interior's rehabilitation guidelines are the same in Illinois and Missouri, and if acceptable to the SHPO in Illinois, the IDOT renovation per the guidelines should be acceptable in Missouri as well. It is City of Venice's desire to facilitate resolution of any misunderstandings with regard to IDOT's bridge renovation project. The bridge is currently out of service due to deterioration and badly needs renovation.

Accordingly, please do not hesitate to call me or to fax inquiries with regard to any further information on this matter which you require. If Missouri SHPO's concern is with the renovation, as we believe it to be, Ms. Calhoun is a more direct source of information, and I have provided her telephone number to you. City of Venice wishes to resolve this matter as quickly as possible, and in light of the determinations by Illinois Historic Preservation Agency, feels that the crux of the problem may simply be some mis-communications.

Very truly,

  
Charles H. Montange  
for City of Venice

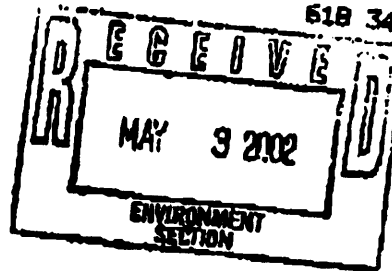
Atts. Ill. HPA May 2, 2002  
Ill. HPA Nov. 21, 2003  
cc. Section on Environmental Analysis, STB





**Illinois Historic  
Preservation Agency**

1 Old State Capitol Plaza • Springfield, Illinois 62701-1507 • (217) 782-4836 • TTY (217) 524-7128



Madison County  
Venice

McKinley Bridge Rehabilitation  
SN 060-6002 over the Mississippi River  
IHPA LOG #0201090031MMS

May 2, 2002

Michael Hine  
Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Attn: John Walthall  
Springfield, IL 62764

Dear Mr. Hine:

We have reviewed the preliminary design information regarding historic conditions for the above referenced project. In our opinion, these plans meet The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings".

Please retain this letter in your files as evidence of a No Adverse Effect determination and compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

If you have any further questions, please contact Cody Wright, Cultural Resource Manager, 1 Old State Capitol Plaza, Springfield, IL 62701, 217/785-3977.

Sincerely,

*Inne E. Haaker*

Inne E. Haaker  
Deputy State Historic  
Preservation Officer

ICW:ly



# Illinois Historic Preservation Agency

1 Old State Capitol Plaza • Springfield, Illinois 62701-1507 • Teletypewriter Only (217) 524-7128  
Voice (217) 782-4836

Madison County  
Venice

Railroad Abandonment Exemption  
Milepost 1.45 from state line  
STB-Docket #AB 863  
IHPA Log #014110303

November 21, 2003

Charles Montange  
426 NW 162nd St.  
Seattle, WA 98177

Dear Mr. Montange:

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Sincerely,

*Anne E. Haaker*

Anne E. Haaker  
Deputy State Historic  
Preservation Officer

AH